

DRAFT

**MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY BOARD OF COMMISSIONERS
HELD FEBRUARY 17, 2015**

Chairman Bitner called the meeting to order at 7:00 p.m. The time, place and agenda of the meeting had been provided to the Tooele Transcript Bulletin and to each member of the governing body by delivering copies of the notice and agenda at least two days before to each of them.

1. **PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was offered by Gordon Beals.

2. **ROLL CALL.** The Clerk called the roll which showed Commissioners Wade Bitner, Chairperson, Shawn Milne and Myron Bateman present. Also present were Scott Broadhead, Attorney and Marilyn Gillette, Clerk/Auditor.

3. **MINUTES.** Commissioner Milne moved to approve the minutes for the Commission meeting held February 3, 2015, with corrections. Commissioner Bateman seconded the motion. All concurred.

4. **CONSENT AGENDA.** Invoices – A) Warrants issued January 29, 2015 in the amount of \$831,173.71, Check #149353 thru #149467; B) Warrants issued February 5, 2015 in the amount of \$421,285.25, Check #149468 thru #149595. Commissioner Milne moved to approve the Consent Agenda as presented. Commissioner Bateman seconded the motion. All concurred.

Tax Adjustments – Brenda J. Peachy Jr., Parcel #12-026-0-0200. She is a 20% Veteran and was only given a 10% discount. She will get a refund of \$347.26. Relief amount \$694.52. Commissioner Milne moved to approve the Tax Adjustment as presented. Commissioner Bateman seconded the motion. All concurred.

5. **STANDARD COOPERATIVE AGREEMENT FOR UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK 2015.** Commissioner Bitner reviewed this agreement. Commissioner Bateman moved to approve the agreement with Utah State University. Commissioner Milne seconded the motion. All concurred.

6. **FRANCHISE AGREEMENT WITH BEEHIVE BROADBAND, LLC, TO OPERATE AND MAINTAIN A FIBER OPTIC NETWORK IN TOOELE COUNTY.** Attorney Broadhead discussed items number 5 thru 8. He reviewed what these franchise agreements entail. Commissioner Milne asked about the disparity between the two applicants. Why does one pay a franchise fee to the County and one does not. Kirk Nord, Director of Government Affairs for Comcast, stated these fees represent 5% of all cable revenues generated by the County. This covers the cable only. Scott Broadhead stated, it's not just Beehive Broadband who doesn't pay a franchise fee, Questar, Rocky Mountain Power, cable companies, etc. don't pay. Kirk stated there are taxes that are applied that make it more equitable. Commissioner Milne moved to table all four items until further discussion. He didn't feel it is a fair platform. He would like to consider how it may apply to more than this one entity and proceed with negotiations from there. Commissioner Bateman seconded the motion. Kirk asked that they pass the franchise for Comcast since they are already at the cap. Scott asked that the cable one be

passed today and we can work on the others later. Commissioner Milne rescinded his motion to table and made a second motion to approve items #6 thru #9 for a 6 month period during which time the Commissioners will try to negotiate a fairer franchise fee. Commissioner Bateman seconded the motion. All concurred.

7. **ORDINANCE 2015-05 – GRANTING A FRANCHISE TO BEEHIVE BROADBAND, LLC, TO OPERATE AND MAINTAIN A FIBER OPTIC NETWORK IN TOOELE COUNTY; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR COUNTY REGULATION AND ADMINISTRATION OF THE FIBER OPTIC NETWORK; AND PRESCRIBING PENALTIES FOR VIOLATION OF THE FRANCHISE PROVISIONS.** See item #6 above.
8. **FRANCHISE AGREEMENT WITH COMCAST OF UTAH II, INC., TO OPERATE AND MAINTAIN A CABLE SYSTEM IN TOOELE COUNTY.** See item #6 above.
9. **ORDINANCE 2015-06 GRANTING A FRANCHISE TO COMCAST OF UTAH II, INC., TO OPERATE AND MAINTAIN A CABLE SYSTEM IN TOOELE COUNTY; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR COUNTY REGULATION AND ADMINISTRATION OF THE CABLE SYSTEM; AND PRESCRIBING PENALTIES FOR VIOLATION OF THE FRANCHISE PROVISIONS.** See item #6 above.
10. **ORDINANCE 2015-07 - AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 23.29 ACRES OF LAND JUST SOUTH OF STOCKTON, FROM A-20 TO RR-5.** Blaine Gehring, Planner, discussed this with the Commission. Commissioner Bateman moved to support the Planning Commission in rezoning this property from an A-20 to RR-5. Commissioner Milne seconded the motion. All concurred.
11. **ORDINANCE 2015-08 - AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 584.8 ACRES OF LAND SOUTHEAST OF DUGWAY, FROM MU-40 TO MG-EX.** Blaine Gehring, Planner, discussed the proposed changes. The Planning Commission recommended approval. Commissioner Bateman moved to approve Ordinance 2015-08 moving the zoning from MU-40 to MG-EX. Commissioner Milne seconded the motion. All concurred.
12. **DESIGNATING COMMISSION SEAT B AS A PART TIME POSITION - NOT RETIREMENT ELIGIBLE.** Commissioner Bateman stated this is a recommendation from the Utah Retirement System, since he has retired from the Health Department. It saves the County approximately \$10,000 in retirement payments and will be for this term only. Commissioner Milne clarified that this does not mean that Commissioner Bateman will be a part time Commissioner, only as far as retirement benefits are concerned. Commissioner Milne moved to approve. Commissioner Bitner seconded the motion. All concurred.
13. **ANNOUNCING TOURISM TAX ADVISORY APPLICATIONS ARE NOW BEING TAKE UNTIL MARCH 2, 2015 AT 5:00 P.M.** Commissioner Milne moved that the deadline for accepting grant applications be changed from March 2, 2015 to March 6, 2015 at 5:00 p.m. Commissioner Bateman seconded the motion. All concurred.
14. **BOARD OPENINGS** A) Planning Commission – 2 alternates – Open until March 16, 2015; B) Rush Valley Water Conservancy District (RVWCD) – 2 positions – Open until March 16, 2015. Commissioner Milne moved to vacate both of the seats who show current on the RVWCD since they no longer live in the new boundaries. Commissioner Bateman seconded the motion. All concurred.

15. **PUBLIC CONCERNS** Tom Poyner - asked for clarification on which boards have which openings. He also asked if there was a vote on items #6 & #7. He felt there needed to be more information on the invoices that is available for the public.

Gordon Beals complimented the Commissioners - it is nice to see the three of them working so well together. He commended Bateman on making Commission Seat B a part time seat to save the County money. He asked if anything had been done on the problem he brought up last month to check into payment of garbage fees in Ibapah. Commissioner Bitner stated they are still looking into it.

John Beagley asked about the 580 acres in Dugway that will be rezoned. Do they have any idea how far south that line goes. Commissioner Bateman stated it does not go as far as the Pony Express Trail.

16. **ADJOURNMENT** Commissioner Milne moved to adjourn at 7:46 pm. Commissioner Bateman seconded the motion. All concurred.